

JAKE FOSTER  
FLAME SPRAY NORTH AMERICA vs KERR PUMPS

October 30, 2020

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UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
GREENVILLE DIVISION

FLAME SPRAY NORTH AMERICA, )  
INC., )  
Plaintiff, )  
v. ) CASE # 6:18-cv-02845-DCC  
KERR PUMPS, INC., )  
Defendant. )

ZOOM DEPOSITION OF JAKE FOSTER  
TAKEN ON BEHALF OF THE PLAINTIFF  
IN ADA, OKLAHOMA  
ON OCTOBER 30, 2020

REPORTED BY: JUDY THOMPSON, CSR

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1 Q. Did you ever personally speak to Gore or UPP  
2 about the plunger issues?

3 A. If I recall right, I was on a phone call  
4 with Mike Michaelson of Universal. And he is the one  
5 that was complaining about the failure of other parts  
6 in the fluid end because of the delamination of the  
7 plungers.

8 Q. And you said his name was Mike Michaelson?

9 A. Yes.

10 Q. And what was Cole Thomas' job in 2017 to  
11 '18?

12 A. Staff engineer.

13 Q. All right. So what were his  
14 responsibilities with regard to the plunger? I know  
15 you said he would answer a couple of questions about  
16 diameter. But can you be more specific?

17 A. Yes. On plungers, Cole didn't spend a lot  
18 of time on. We had drawings for our plungers,  
19 because we were purchasing them before Flame Spray.  
20 But, you know, he was brought in because Ray and  
21 Paolo requested an overall dimension of the plunger  
22 so they can make it to the dimensional spec. And  
23 Cole provided that. And so that's how he got  
24 involved.

25 Q. I know you mentioned FlowValve and that you,

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1 at some point, were the Production Manager for  
2 FlowValve, right?

3 A. Yes, ma'am.

4 Q. What kind of product does FlowValve sell?

5 A. Imagine, you know, your plumbing for your  
6 house. We provide the high pressure plumbing for  
7 well servicing and frac'ing.

8 Q. And does that include clappers or flappers?

9 A. Yes, the flapper or clapper, I've heard it  
10 pronounced both ways. For a check valve, it does  
11 include that.

12 Q. What was Kerr's relationship with FlowValve?

13 A. So there's no -- they're separate entities.  
14 Mark, now, owns both of them.

15 Q. Okay. So they share common owners, though?

16 A. Yes, ma'am.

17 Q. Are they working at the same site?

18 A. Yes, ma'am.

19 Q. Do they share any management?

20 A. Yes. I'm the Chief Operating Officer of  
21 both FlowValve and Kerr Pumps.

22 Q. Do any of Kerr's FlowValve customers  
23 overlap?

24 A. Yes, ma'am.

25 Q. Do you know if FlowValve sells any products

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1 to Advanced Stimulation or Gore or UPP?

2 A. They don't currently sell to Universal, but  
3 the other two, they do.

4 Q. And in the 2017/2018 time period, was Kerr  
5 selling any of the clappers or flappers to AST and  
6 Gore?

7 A. I can't recall. They potentially could  
8 have.

9 Q. Is that the type of product that FlowValve  
10 would sell to those customers, though?

11 A. Yes. It's one of many.

12 Q. And is it correct that FlowValve did work  
13 with Flame Spray, as well?

14 A. Yes. Flame Spray really tried to market  
15 themselves as an advanced technology company with,  
16 you know, HVOF coatings. So when they came to us, it  
17 was through Ray Monahan, they really tried to tell us  
18 that a lot of the things we were using was kind of  
19 outdated and junk. And so they really tried to  
20 position themselves as kind of a leader in coating  
21 technology. And so we end up, you know, started off  
22 with the plungers and then went to the flappers at  
23 some point.

24 Q. Was Flame Spray manufacturing end coating  
25 flappers for FlowValve?

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1 A. Manufacturing, no. I guess how do you  
2 define that? They coated them, and then they, I  
3 guess, did a finish process on the flapper after it  
4 was coated.

5 Q. What type of coating does Flame Spray use on  
6 the clappers or the flapper?

7 A. I can't recall. But it wasn't the same  
8 coating as the plungers, I know that.

9 Q. Was it a thermal spray painting?

10 A. It was an HVOF coating, like the plungers,  
11 but it wasn't the same coating makeup. As far as the  
12 composition of the coating, it was a different  
13 classification of coating, but it was applied via  
14 HVOF.

15 Q. Do you know if FlowValve or any of its  
16 customers ever had any delamination issues with the  
17 clappers?

18 A. I can't recall any with that specific  
19 coating.

20 Q. After Kerr was aware of delamination with  
21 the plungers, did FlowValve continue to do business  
22 with Flame Spray?

23 A. I believe we did. And I think the reason we  
24 did was because we hadn't had any problems. But,  
25 again, I think that's the way it played out.